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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 14 December 2007 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to your note verbale dated 17 October 2007, has the honour to transmit herewith an update to the report of the Government of the United Kingdom in accordance with paragraph 4 of Council resolution 1540 (2004) (see annex).

10-48121 (E) 010910

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Annex to the note verbale dated 14 December 2007 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

Third Report of the United Kingdom of Great Britain and Northern Ireland on the implementation of Security Council resolution 1540 (2007)

1. The United Kingdom thanks the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) for his letter of 17 October to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in New York and for the accompanying matrix. The United Kingdom is pleased to present herewith its third national report in response. The report is intended to provide additional clarification, where requested, regarding the United Kingdom's national legal framework and enforcement provisions, augmenting the information provided in its second report of 19 September 2005. An amended matrix suggesting how measures contained herein may relate to the United Nations experts' framework is attached as an appendix.

2. The United Kingdom remains a firm supporter of Security Council resolution 1540 (2004) and believes that it forms an essential element of the global counter-proliferation and counter-terrorism regime. We have a wide range of legislative measures in place to prevent the proliferation of nuclear, chemical and biological weapons. We continue to work hard in our national capacity to strengthen our legislation and operational systems, where appropriate, in order to ensure that they meet the highest international standards.

National practices

3. The United Kingdom has a wide range of legislative measures in place to prevent the proliferation of nuclear, chemical and biological weapons and will shortly commence research and drafting of a 1540 (2004) national action plan. The plan will include sections on domestic implementation, existing outreach mechanisms and past assistance projects, and a consolidated guide to 1540 (2004) implementation assistance that may be available from the United Kingdom. The section on domestic implementation will review areas where further legislation or enforcement may be required and will cover not only the United Kingdom but also our Overseas Dependent Territories. The second section will identify all United Kingdom Government funding programmes that are or have been relevant to the implementation of Security Council resolution 1540 (2004). These include the Global Threat Reduction Programme administered by the Department for Business, Enterprise and Regulatory Reform (formerly known as the Department for Trade and Industry), the Global Opportunities Fund and Departmental Programme Budget of the Foreign and Commonwealth Office and the Ministry of Defence's Defence Assistance Fund. It will also aim to establish a complete record of all relevant United Kingdom outreach activity. Details of the wide range of activity underwritten by the Global Threat Reduction Programme in 2006 are available from http://www.berr.gov.uk/files/file36547.pdf. Finally the national action plan will provide information for States wishing to access acknowledged areas of United Kingdom expertise ranging from securing or destroying weapons of mass

destruction-related materials to export and border controls, drafting legislation and writing a first report.

4. The approach of the United Kingdom to outreach activity is founded in its strong belief that the proliferation threat is best tackled through effective multilateralism, cooperation and partnership. The resolution itself was carefully crafted, setting an international benchmark for non-proliferation, yet not pointing the finger at any individual country or group of countries. The United Kingdom is committed to the long haul and to assist international partners in the successful global implementation of resolution 1540 (2004).

Intra-governmental processes

5. The United Kingdom believes that its Global Threat Reduction Programme, much of which directly supports the goals of Security Council resolution 1540 (2004) in the former Soviet Union and beyond, offers a good model of effective and efficient intra-governmental cooperation. In the more than four years since the establishment of the Global Partnership at Kananaskis, Canada, the United Kingdom has successfully implemented large-scale and complex projects, mainly aimed at securing the legacy of Cold War weapons of mass destruction and related materiel in Russia and other areas of the former Soviet Union. This work has addressed some of the World's most pressing proliferation challenges, and the United Kingdom has been internationally acknowledged for its valuable contribution to the Kananaskis agenda. The United Kingdom's work to reduce these threats, in collaboration with other members of the Global Partnership, will remain important. However, since Kananaskis, new proliferation threats have continued to emerge from the legacy of weapons of mass destruction programmes, both inside and outside the former Soviet Union.

6. The British Government therefore initiated a review of the options for further enhancing the effective management of the programme, to ensure that the United Kingdom is adequately equipped to respond to these new challenges. Following this review, in October 2006, Ministers agreed to improve the framework within which the United Kingdom delivers its threat reduction work. They established new governance arrangements for the programme, which provide a more flexible and effective structure for the work. The new structure encompasses all of the United Kingdom's existing Global Partnership work, and provides a durable and flexible framework within which to address new proliferation challenges. The Kananaskis agenda remains relevant as an agreed set of priorities of the Group of Eight, to which the United Kingdom will continue to make a major contribution. The new programme framework also allows the United Kingdom to effectively address broader threat reduction priorities in the weapons of mass destruction field and makes it easier to expand further the geographic and functional scope of the United Kingdom's activity.

7. In recognition of the important contribution of the programme to delivering the Government's counter-proliferation objectives, a Ministerial Oversight Board (comprising Ministers from the Department for Business, Enterprise and Regulatory Reform, Foreign and Commonwealth Office and Ministry of Defence) meets regularly to ensure that the programme maintains its strategic relevance and direction. A single inter-Departmental Oversight Board also meets at least three times a year to ensure that the programme is well managed and continues to meet

the United Kingdom's priorities. The United Kingdom publishes an annual report, setting out what has been achieved in the year, and an outline of future priorities and plans.

8. The terms of reference for the Ministerial Oversight Board are:

- To provide political oversight and strategic direction for the programme;
- To approve annually the overall priorities for funding across the programme for the following financial year, and to set guidance for funding priorities for the subsequent two years;
- To ensure an appropriate public and parliamentary profile for the programme.

9. The role of the new official level Programme Oversight Board is to:

- Support ministers in providing overall strategic direction for United Kingdom threat reduction programmes, including reviewing programme priorities and resource allocation;
- Monitor and review the programme's overall performance;
- Resolve, at a higher level, strategic issues that cannot be resolved at project level;
- Provide oversight of the United Kingdom Government's resources committed to weapons of mass destruction threat reduction work;
- Oversee preparation and publication of an annual report subject to approval by the Ministerial Board.

10. The Director of the Defence and Strategic Threats, Foreign and Commonwealth Office chairs the official Oversight Board. Its members include relevant Directors or nominees from stakeholder departments (Department for Business, Enterprise and Regulatory Reform, Foreign and Commonwealth Office, Ministry of Defence, Cabinet Office and Her Majesty's Treasury). Although the Oversight Board provides the overall strategic direction for the programme, the selection and implementation of projects remain the responsibility of technical steering groups established by the Department for Business, Enterprise and Regulatory Reform and the Ministry of Defence. These make full use of the expertise across the British Government to manage the individual programme areas, and advise on priorities and selection of projects. Both the Department for Business, Enterprise and Regulatory Reform and the Ministry of Defence already have experienced teams overseeing project management, and their financial and project management frameworks have been endorsed by internal audit reviews. Both programmes also use the experience of private sector project managers to implement and monitor projects. These project managers are selected by open international competition, with fresh tenders at appropriate intervals. Under these new arrangements the current project management structure was maintained. The United Kingdom has also continued to hold regular meetings with other donors to share lessons learned and to discuss priorities and the scope for joint projects so that costs can be shared and exposure to project risk limited. Although the current programme management arrangements implemented by the United Kingdom are widely seen as best practice, further improvements will be made wherever there are opportunities to do so.

11. Previous reports submitted by the United Kingdom provide details on the Government's cross-Whitehall non-proliferation structures. The Counter-Proliferation Committee is the United Kingdom's principal coordination mechanism for strategic counter-proliferation policy and includes officials from the relevant policy departments and the intelligence community. The Counter-Proliferation Implementation Committee is responsible for actions effecting the United Kingdom's counter-proliferation strategies and initiatives.

Points of contact

12. Points of contact for issues relating to Security Council resolution 1540 (2004) are as follows:

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13. The United Kingdom is content for the present report to be placed on the United Nations 1540 (2004) Committee website as a public document.

Appendix

Comments on specific issues raised by Security Council resolution 1540 (2004)

Operative paragraph 1

> "Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery"

Conventions, treaties and arrangements

Previous reports submitted by the United Kingdom provide details on conventions, treaties and other arrangements. To recap briefly, the United Kingdom signed the Biological and Toxin Weapons Convention on 10 April 1972 (ratified 26 March 1975). It signed the Chemical Weapons Convention 13 January 1993 (ratified 13 May 1996). The United Kingdom ratified the Nuclear Non-Proliferation Treaty on 1 July 1968. The relevant prohibitions are enacted in United Kingdom law. The United Kingdom is one of the original Member States of the International Atomic Energy Agency (IAEA), having ratified its membership in July 1957. The United Kingdom continues to urge States not yet party to these treaties and arrangements to join at the earliest opportunity.

The United Kingdom continues to be an active member of the Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group, the Zangger Committee and the Wassenaar Arrangement. The United Kingdom is also a signatory to the International Code of Conduct against Ballistic Missile Proliferation.

The British Government is working hard to stop the spread of knowledge and skills that could be used in the proliferation of weapons of mass destruction and their means of delivery. From 30 November 2007 the academic technology approval scheme became a mandatory requirement within the immigration rules for students intending to enter or remain in the United Kingdom for more than six months to undertake post-graduate studies or research in certain designated subjects. The scheme replaces the Government's voluntary vetting scheme and is designed to ensure that people who apply to study certain sensitive subjects in the United Kingdom do not have links to weapons of mass destruction programmes.

Operative paragraph 2

> "Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them"

As a party to the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, the obligations in these conventions are fully enacted in United Kingdom law.

Biological weapons

As set out in the United Kingdom's previous reports, the Biological Weapons Act 1974, Section 1, prohibits the development, production, stockpiling, acquisition and possession of biological weapons and their means of delivery. An amendment under the Anti-Terrorism, Crime and Security Act 2001, Sections 43 and 44, prohibits the transfer and brokering of biological weapons. These offences apply to acts committed outside the United Kingdom if carried out by a national of the United Kingdom or a body incorporated under United Kingdom Law. The use of biological weapons is further prohibited under Section 113 of the Anti-Terrorism, Crime and Security Act.

Chemical weapons

The Chemical Weapons Act of 1996 prohibits the production, acquisition, possession, development, transfer, use or intention to use chemical weapons and their means of delivery. Section 113 of the Anti-Terrorism, Crime and Security Act makes the use of noxious substances or items to cause harm or intimidate an offence.

The Accessories and Abettors Act 1861 makes it an offence to aid, abet, procure or counsel activities prohibited under the Anti-Terrorism, Crime and Security Act. The Act also makes it an offence for anyone to aid, abet, procure, counsel or incite a non-United Kingdom national to commit an offence relating to biological, chemical or nuclear weapons.

Nuclear weapons

As detailed in previous reports, the Anti-Terrorism, Crime and Security Act provides the national legal framework prohibiting the production, acquisition, possession, development, transfer or use of nuclear weapons or taking part in the development or manufacture of nuclear weapons.

Proliferation financing

The United Kingdom is taking action at a national level to counter proliferation-financing risks. Financing the proliferation of weapons of mass destruction is an offence in the United Kingdom under the Anti-Terrorism, Crime and Security Act of 2001. Targeted financial sanctions related to Security Council resolutions 1737 (2006) and 1747 (2007) and others also criminalize proliferation financing related to specific Security Council sanctions obligations. Financial information is considered routinely in prosecutions conducted under these acts. Financial institutions are required to submit reports on suspicious transactions to the United Kingdom's Financial Intelligence Unit in relation to all types of financial crimes, including proliferation financing, and guidance is made available to financial institutions to assist them in identifying financial activities associated with proliferation.

Transport of biological, chemical and nuclear weapons and related material

Offences under the Biological Weapons Act, the Chemical Weapons Act and the Anti-Terrorism, Crime and Security Act apply regardless of whether some form of transport is involved in carrying out the offence. Although the involvement of transport may constitute part of the fact of a case, it is usually irrelevant in making up the elements of an offence.

The transport industries' security regulator, TRANSEC (transport security and contingencies), devises and enforces standards, taking into account both of the costs to the industry of security measures and the consequences of security failures. Industries currently regulated are aviation, maritime and railways. With effect from July 2005, TRANSEC also regulates all industries in respect of the security of dangerous goods in transport. Since July 2005 security regulations have been included in the Carriage of Dangerous Goods Regulations and supersede the voluntary codes of practice that had previously been in place. The European Commission has adopted new rail and road security measures. The requirements are split into two levels: a general level applicable to the carriage of all dangerous goods and a higher level for the carriage of high consequence dangerous goods. These are defined as those which have the potential for misuse in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction.

The measures for road and rail are currently in place through the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 and are supported by a comprehensive set of guidance. These regulations cover the transport of infectious and toxic substances. The movement of all civil nuclear material, as defined by the Nuclear Industries Security Regulations 2003, is not covered by this guidance and these regulations. The transport of such material is regulated by the Office for Civil Nuclear Security in accordance with the Nuclear Industries Security Regulations.

The legislation referred to in this section can be read in full at http://www.opsi.gov.uk/acts

Operative paragraph 3

> "Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:
>
> "(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
>
> "(b) Develop and maintain appropriate effective physical protection measures"

The production, use and storage of biological and chemical weapons under any circumstances are strictly prohibited under United Kingdom law. Measures to account for such activities are necessarily limited to the category of related or dual-purpose materials, as set out in the United Kingdom's previous reports. The National Counter-Terrorism and Security Office oversees the physical protection of facilities and materials where biological or chemical dual-use issues exist.

Biological weapons and related materials

Part 7 of the Anti-Terrorism, Crime and Security Act 2001 makes provision for the security of the toxins and pathogens listed in schedule 5 to that Act. This (the schedule 5 to the Anti-Terrorism, Crime and Security Act 2001 (Modification) Order 2007) has been amended and came into force on 2 April 2007. This modifies the

schedule 5 through the additions of some pathogens and toxins and the removal of some pathogens and toxins.

Part 7 of the Anti-Terrorism, Crime and Security Act 2001 (Extension to Animal Pathogens) Order 2007 extends part 7 to cover animal pathogens. Schedule 5 had previously only included pathogens that could be used to cause serious harm to human health.

Chemical weapons

The Chemical Weapons Act lays down strict controls to ensure that chemicals listed in schedule 1 of the Chemical Weapons Convention are only used for certain allowed purposes (pharmaceutical, research, medical and purposes related to protection against toxic chemicals). Any facility, which produces, used or possesses schedule 1 chemicals must be licensed. Licence holders are required to account for their production, use and stocks of any schedule 1 chemicals on their site.

The United Kingdom's second report made reference to all stocks of chemical weapons awaiting destruction being accounted for, secured and physically protected at Defence Science and Technology Laboratory at Porton Down. Destruction of all old chemical weapons recovered to date was completed in March 2007.

Nuclear weapons

The Treaty establishing the European Atomic Energy Community (EURATOM) chapter VII, Safeguards, and Commission Regulation No. 302/2005 provide the national legal framework for the accounting of production, use and storage of civil nuclear materials. The Atomic Energy Act (1946) establishes civil/criminal penalties for offences in this area. The United Kingdom ratified the Convention on the Physical Protection of Nuclear Materials on 13 June 1980. The Convention has been implemented nationally through the Nuclear Materials (Offences) Act 1983 and section 9 of the Terrorism Act 2006. The Nuclear Safeguards and Electricity (Finance) Act (1978) and the Nuclear Safeguards Act 2000 provide similar enforcement for safeguards agreements with IAEA (INFCIRC/263 and INFIRC/263/Add.1, respectively).

A comprehensive legal framework is in place for civil nuclear security regulation, encompassing technical guidance, inspections and security exercises. The Nuclear Industries Security Regulations 2003 provide for the protection of nuclear material against the risks of theft and sabotage and for the protection of sensitive nuclear information. Section 79 of the Anti-Terrorism, Crime and Security Act 2001 makes it an offence to intentionally or recklessly disclose information which might prejudice the security of a civil or defence licensed nuclear site or of nuclear material. It is an offence to make an unauthorized disclosure of uranium enrichment technology under the Uranium Enrichment Technology (Prohibition on Disclosure) Regulations 2004.

The Office for Civil Nuclear Security is now part of the Health and Safety Executive instead of the Department for Business, Enterprise and Regulatory Reform (formerly known as the Department of Trade and Industry). The Office is the national security regulatory authority for the United Kingdom's civil nuclear industry and is responsible for approving security arrangements and ensuring compliance with the Regulations. The Nuclear Industries Security Regulations 2003

contain criminal penalties for non-compliance. Civil nuclear operators in the United Kingdom must have approved site security plans covering physical protection features, including fencing, closed-circuit television and the role of security guards and officers of the Civil Nuclear Constabulary. The Energy Act 2004 created the Civil Nuclear Police Authority and set out the powers of the members of the Civil Nuclear Constabulary. The Constabulary is a national specialized armed police force responsible for the protection of civil nuclear sites and nuclear materials on designated United Kingdom nuclear-licensed sites and in transit. Security arrangements must also cover the protection of proliferation-sensitive information technologies and the reliability of individuals dealing with them. The Office must also approve transporters of sensitive nuclear material and transport plans.

Physical security at the Ministry of Defence sites is governed by administrative procedure Joint Service Publication 440. The Ministry of Defence Police performs a similar job to the Civil Nuclear Constabulary in relation to defence sites/material. The Official Secrets Act 1989 contains offences related to unauthorized/improper communication of information relating, inter alia, to nuclear weapons and related defence material.

Section 9 of the Terrorism Act 2006 implements the United Nations Convention for the Suppression of Acts of Nuclear Terrorism, making the possession and use of radioactive materials, devices or facilities for the purposes of terrorism an offence. It is also an offence for a person to demand that another individual supply them with a radioactive device or material or threaten to use such material. Both offences are punishable by the maximum sentence, imprisonment for life on conviction on indictment.

> "(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
>
> "(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and transhipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil liberties for violations of such export control laws and regulations".

Border controls

There is an organized and effective border control operation in place, including comprehensive visa requirements, and procedures and powers for checking passengers who are considered a possible risk to the security of the United Kingdom. Securing the United Kingdom's borders involves specialist expertise and close cooperation of the Police, the Security Service and Immigration and Customs. These agencies work together, sharing intelligence to target those who pose a security risk, to minimize disruption to passengers, trade and freight. Border security measures are also integrated as much as possible with the security measures

used in the United Kingdom's transport systems. In 2004, the Prime Minister announced plans for a high-tech programme to modernize and strengthen the United Kingdom's borders (the "e-Borders" programme). This is a cross-cutting initiative coordinated by the Home Office involving key border control, law enforcement and intelligence agencies. Further details and progress reports can be found on http://www.ind.homeoffice.gov.uk/aboutus/eborders/. A number of Government departments and agencies, including the Defence Science and Technology Department may be called upon on an ad hoc basis to provide assistance in the form of technical advice on weapons of mass destruction and related materials in support of customs activity, including in relation to border controls.

Export licensing

Export licences are required if the items exported or transferred are for a "relevant use" in regards to weapons of mass destruction. Relevant use is defined in the Export Control Act 2002 as "use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons". The United Kingdom national statutory licensing authority is the Export Control Organization, part of the Department for Business, Enterprise and Regulatory Reform (formerly known as the Department for Trade and Industry). The Export Control Organization also provides the inter-agency review for licences and takes advice from all other Departments with an interest in licence applications, thus operating on an inter-agency basis. The United Kingdom's second report gives full details on licensing and export controls.

The European Union Commission has competence on exports of dual-use goods from the European Community. The legal basis for controlling the movement of dual-use goods from the Community is Council Regulation (EC) No. 1334/2000, as amended, which is directly applicable in all European Union Member States. However, the Regulation does not contain provisions for licensing, enforcement and penalties; these are implemented by each Member State at a national level. In the United Kingdom this is via the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003. Penalties for anyone convicted of an offence under the provisions of the Export of Goods, Transfer of Technology or Provision of Technical Assistance (Control) Order 2003 range from a fine to a maximum of 10 years imprisonment.

The United Kingdom has the powers to control the trans-shipment of controlled goods and, in respect of weapons of mass destruction, non-controlled goods through the United Kingdom. However, it takes a targeted approach to transhipment controls whereby most are either subject to a conditional exception as set out in legislation or are covered by the Open General Transhipment Licence. However, neither the exceptions nor the Open General Transhipment Licence cover trans-shipments of items where the exporter has been informed by a competent authority of the Member State where he is established, is aware or suspects that they are or may be intended, in their entirety or in part, for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons, or other nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons. In these circumstances, an individual

trans-shipment licence is required (and would only be issued if consistent with the consolidated European Union and national criteria (see http://www.dti.gov.uk/europeandtrade/strategic-export-control/licensing-policy/index.).

Operative paragraph 8

"Calls upon all States:

"(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws"

The Export Control Advisory Committee, with representations from trade associations and the Government export control community, meets regularly to discuss developments and areas of concern. In addition, an extensive awareness campaign for industry around the United Kingdom continues. Twenty-five seminars and training courses were held nationwide during 2006, attended by over 500 delegates from 180 organizations. Presentations are also given to individual companies. Along with a regularly updated website, the Export Control Organization also maintains a web-based tool, the Goods Checker, to help exporters find out if their products are licensable. Further information on the Export Control Advisory Committee and the Goods Checker can be found at http://www.dti.gov.uk/europeandtrade/strategic-export-control/help-advice/index.html.

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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 30 July 2010 from the Permanent Mission of Ireland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Ireland to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith a report containing additional information on the implementation by Ireland of Security Council resolution 1540 (2004), as well as a Biological Weapons Bill presented in Dáil Éireann on 27 July 2010 (see annex).

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Annex to the note verbale dated 30 July 2010 from the Permanent Mission of Ireland to the United Nations addressed to the Chair of the Committee

Additional information on Ireland's implementation of Security Council resolution 1540 (2004)

1. As indicated in previous reports on the implementation of Security Council resolution 1540 (2004), Ireland remains a strong supporter of efforts to prevent the proliferation of weapons of mass destruction (WMD) through compliance with multilateral arms control and non-proliferation treaties. Ireland is a State party to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological Weapons Convention.

2. Ireland fully supports the work of the 1540 Committee in ensuring the implementation of resolution 1540 (2004) and believes that the implementation of the resolution is a vital element in tackling the threat posed by the proliferation of weapons of mass destruction and their means of delivery and, in particular, the possession of such weapons by non-State actors.

3. Ireland is currently in the process of taking additional measures to enhance the implementation of its international obligations under resolution 1540 (2004). In addition, it wishes to provide information on further developments in its efforts to tackle the threat posed by the proliferation of weapons of mass destruction on a number of fronts.

Administrative action

4. A new Interdepartmental Committee on Non-Proliferation of Weapons of Mass Destruction was established in early 2010, following a Government decision, with membership drawn from all relevant Government departments and agencies. The Committee will ensure the coherent implementation of the State's obligations arising from resolution 1540 (2004) and the different international treaties and initiatives to which the State is a party, including the Biological and Toxin Weapons Convention, the Chemical Weapons Convention, the Treaty on the Non-Proliferation of Nuclear Weapons, the Proliferation Security Initiative, the Global Initiative to Combat Nuclear Terrorism and the Group of Eight Global Partnership against the Spread of Weapons and Materials of Mass Destruction, as well as the various export control regimes (relating to both military and dual-use goods). The Committee will also address other issues relating to the non-proliferation area as necessary and assist in co-coordinating activities arising from the State's undertakings under the various export control regimes to which it is party. It will advise the Government on these and related matters. The Committee is chaired by the Department of Foreign Affairs and, in the case of matters relating to export control regimes and licensing policy falling under its remit, by the Department of Enterprise, Trade and Innovation. The Departments of Defence; Environment, Heritage and Local Government; Health and Children; Justice and Law Reform; and Transport, as well as the Defence Forces, An Garda Síochána (police), the Revenue Commissioners (Revenue Customs Service), the Radiological Protection Institute of Ireland (RPII), the Health and Safety Authority (HSA), the Health and Safety Executive, Enterprise Ireland, the Industrial Development Authority and Science Foundation Ireland, are

represented on the Committee. The Committee, can at its discretion, invite other individuals or bodies to become members or to attend its meetings.

Legislative action

Biological Weapons Bill 2010

5. Further to information provided in the 2006 additional report, in February 2010 the Government approved the drafting of the Biological Weapons Bill 2010. A draft Biological Weapons Bill has been prepared to create appropriate, specific criminal offences as required by the 1972 Biological Weapons Convention. The Bill would expressly prohibit the use, development, production, manufacture, possession, stockpiling, acquisition, retention or transfer of biological weapons and apply the prohibition to ships and aircraft registered in Ireland and to members of the Defence Forces and citizens of Ireland outside the State. It would make it a criminal offence to contravene these prohibitions and makes provision for penalties upon conviction. The Bill was published on 30 July 2010 and will be considered by the Oireachtas (Parliament) during the forthcoming parliamentary session.

Control of Exports Act 2008

6. The primary piece of national legislation on export control matters is the Control of Exports Act 2008. It establishes a robust framework for Ireland's export control regime, enabling the adoption of ministerial orders controlling exports of certain classes of goods and technology, and for the control of certain classes of technical assistance and brokering activities. The Act also contains strong enforcement provisions, and creates summary and indictable offences for breaches of the Act.

Control of Exports (Dual Use Items) Order 2009

7. The Control of Exports (Dual Use Items) Order 2009 gives further effect to Council Regulation No. 428/2009 on dual-use items. In addition to providing for penalties for breaches of the Regulation, the Order extends brokering controls to items not listed in annex I, of Regulation No. 428/2009 if they are to be used in connection with WMD or missiles capable of delivering such weapons, or for a military end-use in a country which is subject to an arms embargo. This is in addition to the mandatory (i.e., directly effective) provision in the Regulation that brokering services will require an authorization if they concern items listed in annex I to the Regulation and if the broker knows, or is informed by the authorities, that these are or may be intended for an end-use in connection with WMD or missiles capable of delivering WMD.

8. The Order prohibits the transit of non-Community dual-use items listed in annex I of the Regulation if the items are or may be intended for use in connection with WMD or missiles capable of delivering such weapons. It also extends controls to the transit of non-Community dual-use items not listed in annex I where the items are or may be intended for use in connection with WMD or missiles capable of delivering WMD, or for a military end-use in a country which is subject to an arms embargo.

9. The Order further provides that the Minister may prohibit or impose an authorization requirement on the export of dual-use items not listed in annex I for reasons of public security or human rights considerations.

Control of Exports (Goods and Technology) Order 2009

10. The Control of Exports (Goods and Technology) Order 2009 provides for the control of exports of goods and technology listed in the Schedule to that Order, being goods and technology on what is commonly referred to as the European Union (EU) Common Military List. It provides that such goods and technology cannot be exported "save under and in accordance with a licence".

Proposed Brokering Order

11. The Control of Exports Act 2008 gives the Minister power, inter alia, to impose controls on "such class or classes of brokering activities" as may be specified in an order. The preparation of an order which will impose a licensing requirement on the brokering of goods and technology on the EU Common Military List is at an advanced stage. The proposed new order will cover the brokering of items:

(a) From a third country to a third country (i.e., from a non-EU country to another non-EU country);

(b) From the State to a third country;

(c) From another EU member State to a third country.

Additional information

European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR): transport of dangerous goods

12. As an update to information provided in the 2006 additional report, Ireland is now a contracting party to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), done at Geneva on 30 September 1957. Ireland's Health and Safety Authority is the principal competent authority for ADR in Ireland. However, RPII has a statutory responsibility in relation to the approval of specialized training courses for those involved in the transport of radioactive material. In December 2007, RPII approved the first such course in Ireland for drivers, and this was a significant step forward in the availability in Ireland of the required radiation protection training in the transport sector. In 2006, RPII and the Health and Safety Authority established a memorandum of understanding that sets out areas of shared interest and responsibility, particularly in relation to the health and safety aspects of ionizing radiation in the workplace and the modalities by which cooperation in those areas shall be exercised (transport by road, hazards in the workplace involving ionizing radiation, accidents in the workplace involving ionizing radiation, and radon in the workplace).

Physical Protection and security of radioactive sources

13. The primary responsibility for the safety and security of radioactive sources in Ireland rests with the licensed holders of such sources. Radioactive sources should be used and stored in a manner that takes into account an appropriate level of passive and active security measures to prevent, in so far as possible, the loss or theft of any licensed item and the unauthorized access to, or unauthorized removal from, its assigned location.

14. In the light of security concerns expressed both nationally and internationally in relation to the potential consequences of the accidental loss of control of such sources or their diversion for malevolent purposes, RPII and An Garda Síochána recognized the need to combine their expertise and resources to establish/determine appropriate levels of security for facilities holding such sources and to ensure that these standards are enforced in Ireland.

15. To this end, RPII and An Garda Síochána agreed upon a joint programme of work in 2007 aimed at assessing current security provisions with a view to raising the standards to best international security practice appropriate to the type of source and the facility.

16. The security of radioactive sources at licensed facilities continues to be an area that requires ongoing vigilance. Work commenced with An Garda Síochána's National Crime Prevention Unit (NCPU) on a specific project reviewing the security arrangements in place at licensees' premises with radioactive sources that come under the scope of the European Commission's high-activity sealed sources Directive in the industrial, medical and education and research sectors. This is being followed up by visits to undertakings holding sources that are no longer in use and undertakings that have sources in use where there may be, by the nature of the activity carried out, significant public access around/near the sources or frequent transport of radioactive materials on public roads.

17. Security surveys are undertaken by officers from NCPU, facilitated by RPII inspectors, with the objective of ensuring high standards of security. While the results are, in general, reassuring, a number of recommendations are made, covering physical and administrative controls. The implementation of these recommendations are being followed up by RPII inspectors and, where appropriate, members of NCPU.

Addendum to the entry under operative paragraph 3 (safeguards office) of the 2004 report

18. Under Commission Regulation (Euratom) No. 302/2005, on the application of Euratom safeguards, a company involved in non-destructive testing now reports a depleted uranium inventory at its facilities under the catch all material balance area (annex I-G). This is reported to the nuclear material accountancy section of DG TREN Directorate H, Luxembourg.

Chemical Weapons Act 1997

19. The Chemical Weapons Act 1997 designates HSA as the "the National Authority" for implementation of the Chemical Weapons Act in Ireland. To fulfil Ireland's duties under the Act, the National Authority prepares biannual declarations. These declarations are then submitted to Ireland's permanent representation to the Organization for the Prohibition of Chemical Weapons (OPCW) in The Hague. The OPCW inspectors conduct inspections in Ireland. The National Authority is in attendance for these inspections to provide assistance and clarifications to the inspectors. The purpose of the inspections is to verify that information provided in Ireland's declarations is consistent with activities inspected by the OPCW inspectors.

Safety, Health and Welfare at Work (Biological Agents) Regulations

20. HSA is the national body in Ireland with responsibility for the Safety, Health and Welfare at Work (Biological Agents) Regulations, 1994 (Statutory Instrument No. 146 of 1994), as amended in 1998 by Statutory Instrument No. 248 of 1998. The function of HSA is restricted to ensuring that workers are not at risk from exposure or potential exposure to biological agents while at work and/or performing their work activities.

Addendum to the entry on Customs in the 2004 report

21. In addition to the information provided in the 2004 report on the legislative measures in place to prevent the proliferation of WMD in the customs area, the Irish Customs Service also applies Council Regulation No. 648/2005 as implemented by Commission Regulation No. 1875/2006 in respect of the import of goods from outside the European Union and the export of goods to third countries.

Customs Automated Entry Processing system

22. The Revenue Commissioners Automated Entry Processing (AEP) system has now been redeveloped and launched. The AEP system is responsible for receiving, validating, processing and clearance of all customs procedures in a real-time environment. All declarations at import and export are subject to risk assessment, thus allowing Customs officials increased scope to target the movement of high-risk and suspicious transactions. The Customs National Freight Intelligence Unit profiles freight movements for suspect consignments.

23. Two mobile container scanners are in use by the national authorities. Both scanners are suitable for screening freight containers and vehicles, and have an additional detection capability for nuclear and radioactive substances. Arrangements are in place with RPII to deal with any consignments about which Customs may have concerns.

Shipments Directive

24. During 2009, Council Directive 2006/117/Euratom, on the supervision and control of shipments of radioactive waste and spent fuel, was transposed into Irish law as the European Communities (Supervision and Control of Certain Shipments of Radioactive Waste and Spent Fuel) Order, 2009 (Statutory Instrument No. 86 of 2009), revoking previous provisions under the European Communities (Supervision and Control of Certain Shipments of Radioactive Waste) Regulations, 1994 (Statutory Instrument No. 276 of 1994), and RPII is the competent authority for the legislation.

25. The Directive provides for a compulsory and common system of notification and a standard control document regarding such shipments. In particular, shipments made under the provisions cannot take place until the competent authorities of the country of destination and of any country of transit have notified the competent authorities of the country of origin of their approval. Refusal by a member State of destination or transit must be justified and be consistent with international law and best practice. The Directive prohibits the export of radioactive waste to African, Caribbean or Pacific countries, in line with the Cotonou Agreement, to a destination south of latitude 60 degrees south or to a third country which does not have the resources to manage the radioactive waste safely.

Import and export of radioactive sources

26. In accordance with the Radiological Protection Act 1991 (Ionizing Radiation) Order, Statutory Instrument No. 125 of 2000, an application for a licence to import and/or export a radioactive source must be made to RPII not later than one month before the proposed commencement of the practice concerned. The practice must not be commenced by the applicant unless and until the licence has been granted by RPII. A person using or holding sealed radioactive sources without a valid licence may be liable on summary conviction to a substantial fine and/or a term of imprisonment.

Shipment of sealed sources

27. Items being transported from within the European Union require the completion of the standard shipping declaration document pursuant to Council Regulation (EEC) No. 1493/93 for the shipment of sealed sources between States members of the European Community. This shall be completed by the consignee and stamped by RPII in advance of the shipment(s).

28. For sealed sources being sent to another State member of EU, the licensee must ensure that the competent authority in that State has approved and stamped the 1493 form prior to the shipment.

29. Licensees who intend to acquire or return a sealed source from/to any State outside the European Union must first apply for an import or export licence (as appropriate) from the Regulatory Services Division of RPII. This is required in advance of the shipment(s).

30. The Customs Service is aware of these requirements and has reflected them in the Custom Officers Manual and in website documentation on the movement of goods to and from other States. The Harbour Master's Office of the Dublin Port Company is also fully briefed on these requirements, and a good rapport has been established for many years now on declared shipments of Class 7 goods by sea.

31. RPII has issued guidance material and a checklist on annual and ongoing requirements for holders of high-activity sealed sources. These cover in particular general information, record forms, import and export requirements, take-back agreements, security considerations and financial arrangements for the safe management of the sources.

Assistance to States — International Atomic Energy Agency Integrated Regulatory Review Service

32. Ireland contributes to the programmes of the International Atomic Energy Agency by providing experts to develop advisory literature, run training courses and provide guidance on radiation protection matters. Since 2007, this involved working visits to Botswana, Ghana, Spain, Kenya, Mauritius, Qatar, Uganda, South Africa and the United Republic of Tanzania. In addition, under the European Commission Technical Assistance and Information Exchange programme, RPII provided training in Romania on the implementation of EU legislation on the monitoring of radioactivity in the environment.